

**Remarks**

This Application has been carefully reviewed in light of the Office Action mailed October 16, 2002. Applicant respectfully requests reconsideration and favorable action in this case.

**Section 103 Rejections**

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Havens, U.S. Pat. No. 5,909,669 ("*Havens*") in view of Beebe et al., U.S. Pat. No. 4,276,451 ("*Beebe*").

Claim 1 recites, in part, "A computer-implementable method for importing external productivity data into a performance evaluation system, comprising ... storing a plurality of user-defined data elements for an evaluation process ... storing a user-defined configuration table for a data file comprising external productivity data associated with a telephony switch, the configuration table operable to identify external productivity data items in the data file and to map external productivity data items to data elements for the evaluation process ... mapping external productivity data items from the data file to the data elements based on the configuration table ... and inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process." Applicants respectfully submit that the *Havens* - *Beebe* combination fails to teach, suggest, or disclose various aspects of Claim 1. A *prima facie* case of obviousness requires that each and every claim limitation be taught or suggested in the references and there be a suggestion or motivation to modify the reference. (See MPEP § 2143).

At the outset, Applicants respectfully traverse the Examiner's assertion that *Havens* "shows all limitations excepting '(data) associated with a telephony switch.'" (Office Action, p. 3). Applicants respectfully submit that the Examiner incorrectly equates generating a productivity assessment as taught by *Havens* with "mapping external productivity data" as recited by Claim 1.

*Havens* is limited to generating a productivity assessment. (See *Havens*, Title; *id.*, Abstract; *id.*, c.1, ll. 7-9). There is no teaching within *Havens* for “inserting the external productivity data items into a plurality of productivity tables” and certainly no teaching for “mapping external productivity data items from the data file to the data elements based on the configuration table” as recited, in part, by Claim 1. The Examiner seems to assert that the “survey data” of *Havens* discloses the “external productivity data” of Claim 1. Applicants respectfully traverse the Examiner’s position. Instead, *Havens* teaches that the survey data is generated according to a predefined internal framework. For example, *Havens* discloses “[u]sing one or more surveys, information criteria 4 and worker criteria 6 may be qualitatively assessed by the workers and others *according to framework 2 in order to generate the survey data used in assessing the productivity of the workers.*” (*Havens*, c. 3, ll. 41-45). *Havens* then discloses that “[u]sing *framework 2*, each surveyed worker associate qualitatively assesses worker criteria 6 and generates worker criteria ranks 52...” (*Havens*, c. 4, ll. 54-56). In yet another example, *Havens* teaches “[d]atabase 12 includes ... survey data 15 *after survey data 15 has been suitably generated according to framework 2.*” (*Havens*, c. 6, ll. 22-25). In other words, the *Havens* system includes an internal framework 2, which defines and determines the survey data. Accordingly, *Havens* does not teach, suggest, or disclose “inserting the external productivity data items into a plurality of productivity tables” as recited, in part, by Claim 1.

Even if the survey data in *Havens* discloses “external productivity data” as recited by Claim 1, which Applicants do not admit, *Havens* fails to teach “mapping external productivity data items from the data file to the data elements based on the configuration table” as recited, in part, by Claim 1. Applicants submit that, in *Havens*, because the survey data is generated according to a predefined “framework 2,” there is no need to map the survey data after it is generated, regardless of where the data is generated. Instead, the database in *Havens* is directly populated by the predefined ranks and weightings in the survey data, generated according to the internal framework 2. (See generally, *Havens*, c. 6, l. 18 – c. 7, l. 21). For example, the Examiner relies on column 6, lines 11-14 of *Havens* to teach “external productivity data.” But the cited portion of *Havens* teaches “[t]he survey data may be generated in any suitable manner, for example, using bubble charts.” The use of bubble

charts further evidences that the survey data is generated according to the predefined framework and any mapping using a configuration table would be redundant, and therefore non-obvious to one of ordinary skill in the art. (*See Havens*, c. 6, ll. 4-8). Therefore, *Havens* does not teach, suggest, or disclose “mapping external productivity data items from the data file to the data elements based on the configuration table” as recited in part, by Claim 1.

Not only does *Havens* not teach “mapping external productivity data items from the data file to the data elements based on the configuration table,” but if *Havens* were modified to allow such a capability, the “proposed modification would render the prior invention being modified unsatisfactory for its intended purpose,” and, therefore, “there is no suggestion or motivation to make the proposed modification.” (MPEP §2143.01). Also, the “proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified,” and, therefore, “the teachings of the references are not sufficient to render the claims *prima facie* obvious.” (MPEP §2143.01). As described above, the fundamental principle of *Havens* includes generating a productivity assessment based on survey data generated according to a predetermined framework. (*Havens*, Abstract). For example, *Havens* teaches that the survey data, which includes the predefined ranks, *must match predefined validation parameters*. (*See Havens*, c. 7, ll. 6-21). If the survey data is not validated, then the survey data ranks are deleted, processing terminated, new data is generated, or the survey data is modified. Modifying *Havens* to include “mapping external productivity data items from the data file to the data elements based on the configuration table,” as specifically recited by Claim 1, defeats any “predetermined format” as required by *Havens*. In this regard, the *Havens* – *Beebe* combination fails to teach, suggest, or disclose at least “mapping external productivity data items from the data file to the data elements based on the configuration table” as recited, in part, by Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1. Claims 2-6 and 9-10 depend from Claim 1 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-6 and 9-10.

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For at least the reasons stated above with regard to Claim 1, Applicants respectfully request reconsideration and allowance of independent Claims 7 and 17. For at least the reasons stated above with regard to Claim 2-6 and 9-10, and because Claims 8 and 11-16 depend from an independent Claim shown above to be allowable, Applicants respectfully request reconsideration and allowance of Claims 8 and 11-16.

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**Conclusion**

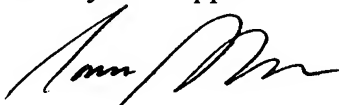
Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of Claims 1-17.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees necessary for advancement of the prosecution of this case or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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